

All information received by the Department from returns filed under this Act, or from any investigation conducted under this Act, shall be confidential, except for official purposes. 35 ILCS 120/11. (This is a GIL).

May 17, 2000

Dear Xxxxx:

This letter is in response to your letter received April 11, 2000. The nature of your letter and the information you have provided require that we respond with a General Information Letter, which is designed to provide general information, is not a statement of Department policy and is not binding on the Department. See 2 Ill. Adm. Code 1200.120(b) and (c), which can be found on the Department's Internet website at <http://www.revenue.state.il.us/legalinformation/regs/part1200>.

In your letter, you have stated and made inquiry as follows:

We operate a concession business in Illinois. Therefore our sales locations vary from month to month. We file an ST-1 and ST-2 (Multiple Site Form) monthly with the Illinois Dept of Revenue. Approximately 1 to 2 times a year we operate our concession stand in CITY. The City has a restaurant/tavern tax that we must file monthly. We file the return every month even though there are only 2 months we owe this tax.

The Accounts Receivable Office for the CITY continually asks for a copy of our ST-1. We were told last year when the same issue arose that there are confidentiality laws regarding the returns we file with the Illinois Dept of Revenue. Is the information we provide on the ST-1 and ST-2 protected under Illinois Code? Could you provide us with the supporting documentation for this answer.

Thank you for your assistance in this matter.

The confidentiality provisions of the sales tax acts govern the ST-1 and ST-2 returns. Section 11, 35 ILCS 120/11, of the Retailers' Occupation Tax Act states, in part, as follows:

"All information received by the Department from returns filed under this Act, or from any investigation conducted under this Act, shall be confidential, except for official purposes, and any person who divulges any such information in any manner, except in accordance with a proper judicial order or as otherwise provided by law, shall be guilty of a Class B misdemeanor.

\* \* \* \*

Nothing in this Act prevents the Director of Revenue from divulging to the United States Government or the government of any other state, or any village that does not levy any real property taxes for village operations and that receives more than 60% of its general

corporate revenue from taxes under the Use Tax Act, the Service Use Tax Act, the Service Occupation Tax Act, and the Retailers' Occupation Tax Act, or any officer or agency thereof, for exclusively official purposes, information received by the Department in administering this Act, provided that such other governmental agency agrees to divulge requested tax information to the Department.

\* \* \* \*

The furnishing of financial information to a home rule unit that has imposed a tax similar to that imposed by this Act pursuant to its home rule powers, or to any village that does not levy any real property taxes for village operations and that receives more than 60% of its general corporate revenue from taxes under the Use Tax Act, the Service Use Tax Act, the Service Occupation Tax Act, and the Retailers' Occupation Tax Act, upon request of the Chief Executive thereof, is an official purpose within the meaning of this Section, provided the home rule unit or village that does not levy any real property taxes for village operations and that receives more than 60% of its general corporate revenue from taxes under the Use Tax Act, the Service Use Tax Act, the Service Occupation Tax Act, and the Retailers' Occupation Tax Act agrees in writing to the requirements of this Section.

\* \* \* \*

Information so provided shall be subject to all confidentiality provisions of this Section. The written agreement shall provide for reciprocity, limitations on access, disclosure, and procedures for requesting information.

\* \* \* \*

Nothing contained in this Act shall prevent the Director from divulging information to any person pursuant to a request or authorization made by the taxpayer or by an authorized representative of the taxpayer."

As you can see from the provisions of Section 11 set forth above, the information gathered through tax returns is confidential. This information can be disclosed by the Department to local municipalities that have enacted similar sales taxes through written confidentiality agreements. The municipality must have an official purpose for requesting the information and is held to the same confidentiality provisions as the Department.

Another way that the return information can be disclosed by the Department is if the taxpayer or an authorized representative requests and authorizes the Department to release this information to a third party.

If there is no agreement between the Department and a municipality or if the taxpayer does not authorize disclosure of the return information, then the Department is forbidden to disclose the information under the statute.

I hope this information is helpful. The Department of Revenue maintains a website, which can be accessed at [www.revenue.state.il.us](http://www.revenue.state.il.us). If you have further questions related to the Illinois sales tax laws, please contact the Department's Taxpayer Information Division at (217) 782-3336.

May 17, 2000

If you are not under audit and you wish to obtain a binding Private Letter Ruling regarding your factual situation, please submit all of the information set out in items 1 through 8 of the enclosed copy of Section 1200.110(b).

Very truly yours,

Melanie A. Jarvis  
Associate Counsel

MAJ:msk  
Enc.